

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FOWSIA H. IBRAHIM,)
) CASE NO. C12-0739-JLR-MAT
Plaintiff,)
)
v.)
) REPORT AND RECOMMENDATION
CAROLYN W. COLVIN, Acting)
Commissioner of Social Security,¹)
)
Defendant.)
_____)

Plaintiff brought this action to seek judicial review of the denial of an application for disability benefits by the Commissioner of the Social Security Administration. The parties have now stipulated that this case should be reversed and remanded. (Dkt. 37.)

Based on the stipulation of the parties, the Court recommends this case be REVERSED and REMANDED for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). The parties stipulate that, on remand, the Administrative Law Judge will:

¹ Carolyn W. Colvin, Acting Commissioner of Social Security, is substituted as defendant in this suit. Fed. R. Civ. P. 25(d)(1).

(1) give further consideration to the medical evidence in the record; (2) evaluate the medical opinions in accordance with Social Security Ruling (SSR) 96-2p (“Giving Controlling Weight to Treating Source Medical Opinions”) and SSR 96-5p (“Medical Source Opinions on Issues Reserved to the Commissioner”); (3) provide the weight accorded to the medical opinions and, if rejecting the opinions, provide specific and legitimate reasons for doing so; (4) in light of the above actions, reassess the steps of the sequential evaluation process as warranted; (5) offer plaintiff an opportunity for a hearing; and (6) allow plaintiff to present new arguments and further medical evidence, if such evidence becomes available. The parties note that the subsequent, June 18, 2012 decision finding plaintiff eligible for Supplemental Security Income payments, with an established disability onset date of April 10, 2012, will not be reopened or disturbed by this remand. Also, upon proper presentation, the Court will consider plaintiff’s application for attorney’s fees and expenses under 28 U.S.C. § 2412(d), and costs under 28 U.S.C. § 1920.

Given the above, the Court recommends that United States District Judge James L. Robart immediately approve this Report and Recommendation and order the case REVERSED and REMANDED for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A proposed order accompanies this Report and Recommendation.

DATED this 18th day of April, 2013.



Mary Alice Theiler
United States Magistrate Judge